

RUMDUOL VUONG, Assistant Chief Counsel (#264392)  
[rumduol.vuong@calcivilrights.ca.gov](mailto:rumduol.vuong@calcivilrights.ca.gov)

ALEXIS ALVAREZ, Associate Chief Counsel (#281377)  
[alexis.alvarez@calcivilrights.ca.gov](mailto:alexis.alvarez@calcivilrights.ca.gov)

JENNIFER H. SPERLING, Associate Chief Counsel (#310551)  
[jennifer.sperling@calcivilrights.ca.gov](mailto:jennifer.sperling@calcivilrights.ca.gov)

MATTHEW TURNBULL, Senior Staff Counsel (#307271)  
[matthew.turnbull@calcivilrights.ca.gov](mailto:matthew.turnbull@calcivilrights.ca.gov)

SOYEON C. OUM, Senior Staff Counsel (#324046)  
[soyeon.oum@calcivilrights.ca.gov](mailto:soyeon.oum@calcivilrights.ca.gov)

MACKENZIE ANDERSON, Staff Counsel (#335469)  
[mackenzie.anderson@calcivilrights.ca.gov](mailto:mackenzie.anderson@calcivilrights.ca.gov)

IRENE MEYERS, Staff Counsel (#340312)  
[irene.meyers@calcivilrights.ca.gov](mailto:irene.meyers@calcivilrights.ca.gov)

CALIFORNIA CIVIL RIGHTS DEPARTMENT  
Legal Division

651 Bannon Street, Suite 200

Sacramento, CA 95811

Telephone: (916) 964-1925

Facsimile: (888) 382-5293

Attorneys for Plaintiff,  
California Civil Rights Department

(Fee Exempt, Gov. Code, § 6103)

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF CALIFORNIA**

CIVIL RIGHTS DEPARTMENT, an agency of  
the State of California,

Plaintiff,

v.

GRIMMWAY ENTERPRISES, INC., d.b.a.  
GRIMMWAY FARMS

Defendants.

**Case No.: 2:21-cv-01552-DAD-AC**

**PLAINTIFF CALIFORNIA CIVIL  
RIGHTS DEPARTMENT'S NOTICE OF  
MOTION AND MOTION FOR  
SUMMARY JUDGMENT OR IN THE  
ALTERNATIVE PARTIAL SUMMARY  
JUDGEMENT**

Date: May 5, 2025

Time: 1:30 p.m

Judge: Hon. Dale A. Drozd

Mag: Hon. Allison Claire

Complaint Filed: August 30, 2021

Trial Date: September 22, 2025

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE THAT, on May 5, 2025, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the courtroom of United States District Judge Dale A. Drozd, located at Courtroom 4 of Robert T. Matsui United States Courthouse, 501 I Street, Sacramento, CA, Plaintiff CIVIL RIGHTS DEPARTMENT (“CRD”) moves pursuant to Federal Rule of Civil Procedure 56 for an order granting summary judgement or partial summary judgment for CRD on CRD’s First and Seventh Causes of Action as well as Defendant GRIMMWAY FARMS ENTERPRISES, INC.’s (“Grimmway”) Seventh, Thirty-Fourth, Thirty-Fifth, Fortieth, Forty-First and Forty-Third Affirmative Defenses.

CRD brings this civil rights enforcement action in its own capacity against Defendant GRIMMWAY FARMS to redress employment discrimination under Government Code sections 12940 *et seq.*, California’s Fair Employment and Housing Act (FEHA), and 42 U.S.C. § 12101 *et seq.*, the Americans with Disabilities Act (ADA). CRD’s civil complaint seeks relief for aggrieved workers for discrimination on the basis of disability, failure to provide reasonable accommodation, failure to engage in a good faith interactive process, unlawful retaliation, interference with rights, and failure to take all reasonable steps to prevent discrimination (under FEHA only).

In this Motion for summary judgment or, in the alternative, partial summary judgment, CRD will establish a *prima facie* cause for a pattern or practice of disability discrimination because there is no genuine issue of fact that Grimmway’s standard operating procedures for handling employees who were disabled or regarded as disabled disabilities were unlawful under FEHA. Those standard operating procedures include: (1) immediately placing employees on leave as an accommodation; (2) regularly failing to consider assistive technology as a reasonable accommodation; (3) regularly failing to perform an undue hardship analysis when denying or terminating a reasonable accommodation; and (4) failing to have a policy requiring preference in hiring where reassignment would be a reasonable accommodation.

Grimmway’s unlawful practices enumerated above, and their failure to train employees charged with handling the interactive process and requests for accommodation, as well as the

1 failure to provide either training or accurate information to employees about their rights, further  
2 necessitates a finding that Grimmway failed to prevent discrimination as a matter of law.

3 In addition to seeking summary judgement or partial summary judgement on its prima  
4 facie case, CRD also seeks an adjudication on Grimmway's Fourth Affirmative Defense  
5 (Limited Scope of Administrative Complaint); Seventh Affirmative Defense (Failure to Fulfill  
6 Conditions Precedent); Thirty-Fourth Affirmative Defense (Laches); Thirty-Fifth Affirmative  
7 Defense (Unclean Hands); Fortieth Affirmative Defense (Inability to Bring/Maintain a Group or  
8 Class Complaint); Forty-First Affirmative Defense (Manageability), and Forty-Third Affirmative  
9 Defense (Standing).

10 This Motion is made in accordance with Eastern District of California Local Rule 260  
11 and is based upon this Notice of Motion and Motion, the accompanying Memorandum of Points  
12 and Authorities and evidence in support thereof, Statement of Undisputed Material Facts,  
13 Declaration of Matthew Turnbull, Declaration of Mackenzie Anderson, Declaration of Irene  
14 Meyers, Declaration of Robert Sniderman, and the Joint Stipulations of CRD and Grimmway  
15 (the "Parties"), all papers and records served and filed herewith and upon such other matters that  
16 may be introduced into evidence prior to the hearing, and any further argument presented at or  
17 before the hearing on this Motion.

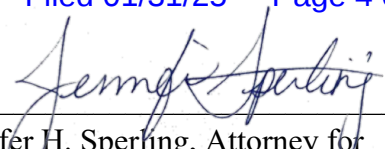
18 Counsel for Plaintiff hereby certifies that, consistent with Judge Drozd's Standing Order,  
19 it has met and conferred with Defendant regarding the substance and administration of this  
20 motion, with the most recent telephonic discussions held on January 28, 2025. Although the  
21 Parties made best efforts and were able to reach agreement on several important issues, as set  
22 forth by Joint Stipulation, the issues set forth in this motion were not resolved and meet and  
23 confer efforts have been exhausted.

24 WHEREFORE, Plaintiff respectfully requests that the Court grant summary judgment or, in the  
25 alternative, partial summary judgement in favor of Plaintiff on all claims and defenses presented  
26 therein.

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1 Dated: January 31, 2025

By:   
Jennifer H. Sperling, Attorney for  
California Civil Rights Department